

R657. Natural Resources, Wildlife Resources.

R657-3. Collection, Importation, Transportation, and Possession of Zoological Animals.

R657-3-1. Purpose and Authority.

(1) Under Title 23, Wildlife Resources Code of Utah and in accordance with a memorandum of understanding with the Department of Agriculture and Food, Department of Health, and the Division of Wildlife Resources, this rule governs the collection, importation, exportation, transportation, and possession of zoological animals and their parts.

(2) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah. Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) In addition to this rule, the Wildlife Board may allow the collection, importation, transportation, and possession of species of zoological animals under specific circumstances as provided in Rules R657-4 through R657-6, R657-9 through R657-11, R657-13, R657-14, R657-16, R657-19, R657-20 through R657-22, R657-33, R657-37, R657-40, R657-46 and R657-53. Where a more specific provision has been adopted, that provision shall control.

(4) Holding raccoons and coyotes in captivity is governed by the Department of Agriculture and Food under Section 4-23-11 and Rule R58-14. The importation of coyotes and raccoons into Utah is governed by the Wildlife Board and is prohibited under this rule.

(5) This rule does not apply to division employees acting within the scope of their assigned duties.

R657-3-2. Species Not Covered by This Rule.

The following species of domestic animals are not governed by this rule:

- (1) Alpaca (*Lama pacos*);
- (2) Ass and donkey (*Equus asinus*);
- (3) Bison, privately owned (*Bos bison*);
- (4) Camel (*Camelus bactrianus* and *Camelus dromedarius*);
- (5) Cassowary (all species)
- (6) Cat, including any domestic breed recognized by The International Cat Association (*Felis catus*);
- (7) Cattle (*Bos taurus* and *Bos indicus*);
- (8) Chicken (*Gallus gallus*);
- (9) Chinchilla (*Chinchilla laniger*);
- (10) Dog and dog hybrids (*Canis familiaris*);
- (11) Ducks distinguishable morphologically from wild birds (*Anatidae*);
- (12) Elk, privately owned (*Cervus elaphus canadensis*);
- (13) Emu (*Dromaius novaehollandiae*);
- (14) European ferret (*Mustela putorius*);
- (15) Fowl (guinea) (*Numida meleagris*);
- (16) Fox, privately owned, ranch-raised amber, blue and silver forms (*Vulpes vulpes*);
- (17) Geese, distinguishable morphologically from wild geese (*Anatidae*);

- (18) Gerbils (*Meriones unguiculatus*);
- (19) Goat (*Capra hircus*);
- (20) Hamster (Syrian or golden) (*Mesocricetus auratus* and *Mesocricetus brandti*);
- (21) Hedgehog (white bellied) (*Erinaceidae atelerix albiventris*);
- (22) Horse (*Equus caballus* and hybrids with *Equus asinus*);
- (23) Llama (*Lama glama*);
- (24) Mice (*Mus musculus*);
- (25) Mink, privately owned, ranch-raised (*Mustela vison*);
- (26) Ostrich (*Struthio camelus*);
- (27) Peafowl (*Pavo cristatus*);
- (28) Pig (guinea) (*Cavia porcellus*);
- (29) Pigeon (*Columba livia*);
- (30) Rabbit (European) (*Oryctolagus cuniculus*);
- (31) Rats (*Rattus norvegicus* and *Rattus rattus*);
- (32) Rhea (*Rhea americana*);
- (33) Sheep (*Ovis aries*);
- (34) Swine (*Sus scrofa*);
- (35) Turkey, privately owned, pen-raised domestic varieties (*Meleagris gallopavo*). Domestic varieties means any turkey or turkey egg held under human control and which is imprinted on other poultry or humans and which does not have morphological characteristics of wild turkeys;
- (36) Water buffalo (*Bubalis arnee*);
- (37) Yak (*Bos mutus*); and
- (38) Zebu (*Bos indicus*)

R657-3-3. Cooperative Agreements with Department of Health and Department of Agriculture and Food -- Agency Responsibilities.

(1) The division, the Department of Agriculture and Food, and the Department of Health work cooperatively through memorandums of understanding to:

- (a) protect the health, welfare, and safety of the public;
- (b) protect the health, welfare, safety, and genetic integrity of wildlife, including environmental and ecological impacts; and

(c) protect the health, welfare, safety, and genetic integrity of domestic livestock, poultry, and other animals.

(2) The division is responsible for:

- (a) issuing certificates of registration for the collection, possession, importation, and transportation of zoological animals;
- (b) maintaining the integrity of wild and free-roaming protected wildlife;

(c) determining the species of aquatic animals which may be imported into, possessed, and transported within the state;

(d) preventing the outbreak and controlling the spread of disease-causing pathogens among aquatic animals in public aquaculture facilities;

(e) preventing the spread of disease-causing pathogens from aquatic animals in, to be deposited in, or harvested from public aquaculture facilities and private ponds to aquatic wildlife, other animals, and humans; and

(f) enforcing laws and rules made by the Wildlife Board

governing the collection, importation, transportation, and possession of zoological animals.

(3)(a) The Utah Department of Agriculture and Food is responsible for eliminating, reducing, and preventing the spread of diseases among livestock, fish, poultry, wildlife, and other animals by providing standards for:

(i) the importation of livestock, fish, poultry, and other animals, including wildlife, as provided in Section R58-1-4;

(ii) the control of predators and depredating animals as provided in Title 4, Chapter 23, Agriculture and Wildlife Damage Prevention Act;

(iii) enforcing laws and rules made by the Wildlife Board governing species of aquatic animals which may be imported into the state or possessed or transported within the state that are applicable to aquaculture or fee fishing facilities;

(iv) preventing the outbreak and controlling the spread of disease-causing pathogens among aquatic animals in aquaculture and fee fishing facilities; and

(v) preventing the spread of disease-causing pathogens from aquatic animals in, to be deposited in, or harvested from aquaculture or fee fishing facilities to aquatic wildlife, or other animals, and humans.

(b) The Department of Agriculture and Food may make regulatory decisions concerning the collection, importation, transportation, and possession of zoological animals if a disease is suspected of endangering livestock, fish, poultry, or other domestic animals.

(4) The Utah Department of Health is responsible for promoting and protecting public health and welfare and may make recommendations to the division concerning the collection, importation, transportation, and possession of zoological animals if a disease or animal is suspected of endangering public health or welfare.

R657-3-4. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2 and Subsection (2) through Subsection (29).

(2) "Aquaculture" means the controlled cultivation of aquatic animals.

(3)(a) "Aquaculture facility" means any tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture. "Aquaculture facility" does not include any public aquaculture facility or fee fishing facility.

(b) Structures that are separated by more than ½ mile, or structures that drain to or are modified to drain to, different drainages, are considered separate aquaculture facilities regardless of ownership.

(4) "Aquatic animal" means a member of any species of fish, mollusk, or crustacean, including their gametes.

(5) "Captive-bred" means any privately owned zoological animal, which is born inside of and has spent its entire life in captivity and is the offspring of privately owned zoological animals that are born inside of and have spent their entire life in captivity.

(6) "Certificate of veterinary inspection" means an official health authorization issued by an accredited veterinarian required for the importation of zoological animals, as provided in Rule R58-1.

(7) "CFR" means the Code of Federal Regulations.

(8) "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

(a) Appendix I of CITES protects threatened species from all international commercial trade; and

(b) Appendix II of CITES regulates trade in species not threatened with extinction, but which may become threatened if trade goes unregulated.

(c) CITES appendices are published periodically by the CITES Secretariat and reprinted by the U.S. Fish and Wildlife Service in 50 CFR 23.23, 2002, ed., which is incorporated herein by reference.

(9) "Collect" means to take, catch, capture, salvage, or kill any zoological animal within Utah.

(10) "Commercial use" means any activity through which a person in possession of a zoological animal:

(a) receives any consideration for that zoological animal or for a use of that zoological animal, including nuisance control and roadkill removal; or

(b) expects to recover all or any part of the cost of keeping the zoological animal through selling, bartering, trading, exchanging, breeding, or other use, including displaying the zoological animal for entertainment, advertisement, or business promotion.

(11) "Controlled species" means a species or subspecies of zoological animal that if taken from the wild, introduced into the wild, or held in captivity, poses a possible significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is required.

(12) "Educational use" means the possession and use of a zoological animal for conducting educational activities concerning wildlife and wildlife-related activities.

(13) "Entry permit number" means a number issued by the state veterinarian's office to a veterinarian signing a certificate of veterinary inspection. The entry permit number must be written on the certificate of veterinary inspection before the importation of the zoological animal. The entry permit is valid only for 30 days after its issuance.

(14) "Export" means to move or cause to move any zoological animal from Utah by any means.

(15) "Fee fishing facility" means a body of water used for holding or rearing fish to provide fishing for a fee or for pecuniary consideration or advantage.

(16) "Import" means to bring or cause a zoological animal to be brought into Utah by any means.

(17) "Native species" means any species or subspecies of zoological animal that historically occurred in Utah and has not been introduced by humans or migrated into Utah as a result of human activity.

(18) "Naturalized species" means any species or subspecies of

zoological animal that is not native to Utah but has established a wild, self-sustaining population in Utah.

(19) "Noncontrolled species" means a species or subspecies of zoological animal that if taken from the wild, introduced into the wild, or held in captivity, poses no detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is not required, unless otherwise specified.

(20)(a) "Nonnative species" means a species or subspecies of zoological animal that is not native to Utah.

(b) "Nonnative species" does not include domestic animals or naturalized species of zoological animals.

(21)(a) "Ornamental fish" means fish that are raised or kept for their beauty rather than use, or that arouse interest for their uncommon or exotic characteristics, including tropical fish, goldfish, and koi.

(b) "Ornamental fish" does not include any species listed as prohibited or controlled in Sections R657-3-23.

(22) "Personal use" means the possession and use of a zoological animal for a hobby or for its intrinsic pleasure and where no consideration for the possession or use of the animal is received by selling, bartering, trading, exchanging, breeding, or any other use.

(23) "Possession" means to physically retain or to exercise dominion or control over a zoological animal.

(24) "Prohibited species" means a species or subspecies of zoological animal that if taken from the wild, introduced into the wild, or held in captivity, poses a significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration shall only be issued in accordance with Sections R657-3-20(1)(b) or R657-3-36.

(25) "Public aquaculture facility" means a tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture by the division, U.S. Fish and Wildlife Service, a school, or an institution of higher education.

(26) "Scientific use" means the possession and use of a zoological animal for conducting scientific research that is directly or indirectly beneficial to wildlife or the general public.

(27) "Transport" means to move or cause to move any zoological animal within Utah by any means.

(28) "Wildlife Registration Office" means the division office in Salt Lake City responsible for processing applications and issuing certificates of registration.

(29)(a) "Zoological animal" means:

(i) native, naturalized, and nonnative species of animals, occurring in the wild, captured from the wild, or born or raised in captivity;

(ii) hybrids of any native, naturalized, or nonnative species or subspecies of animals; and

(iii) viable embryos or gametes of any native, naturalized, or nonnative species or subspecies of animals.

(b) "Zoological animal" does not include species listed as domestic in Subsection R657-3-2, or amphibians or reptiles as

defined in Rule R657-53.

R657-3-5. Liability.

(1)(a) Any person who accepts a certificate of registration assumes all liability and responsibility for the collection, importation, transportation, and possession of the authorized zoological animal and for any other activity authorized by the certificate of registration.

(b) To the extent provided under the Utah Governmental Immunity Act, the division, Department of Agriculture and Food, and Department of Health shall not be liable in any civil action for:

(i) any injury, disease, or damage caused by or to any animal, person, or property as a result of any activity authorized under this rule or a certificate of registration; or

(ii) the issuance, denial, suspension, or revocation of or by the failure or refusal to issue, deny, suspend, or revoke any certificate of registration or similar authorization.

(2) It is the responsibility of any person who obtains a certificate of registration to read, understand and comply with this rule and all other applicable federal, state, county, city, or other municipality laws, regulations, and ordinances governing zoological animals.

R657-3-6. Animal Welfare.

(1) Any zoological animal held in possession under the authority of a certificate of registration shall be maintained under humane and healthy conditions, including the humane handling, care, confinement, transportation, and feeding, as provided in:

(a) 9 CFR 3, Subpart F, 2002 ed., which is adopted and incorporated by reference;

(b) Section 76-9-301; and

(c) Section 7 CFR 2.17, 2.51, and 371.2(g), 2002, ed., which are incorporated by reference.

(2) A person commits cruelty to animals under this section if that person intentionally, knowingly, or with criminal negligence, as defined in Section 76-2-103:

(a) tortures or seriously overworks an animal; or

(b) fails to provide necessary food, care, or shelter for any animal in that person's custody.

(3) Adequate measures must be taken for the protection of the public when handling, confining, or transporting any zoological animal.

R657-3-7. Nuisance Birds -- Nuisance Porcupine, Striped Skunk, and Squirrel.

(1)(a) A person is not required to obtain a certificate of registration or a federal permit to kill American Crows or Black-billed Magpies when found committing, or about to commit, depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance, provided:

(i) none of the birds killed pursuant to this section, nor their plumage, are sold or offered for sale; and

(ii) any person killing American Crows or Black-billed Magpies shall:

(A) allow any federal warden or conservation officer unrestricted access over the premises where American Crows or Black-billed Magpies are killed; and

(B) furnish any information concerning the control operations to the division or federal official upon request.

(b) A person may kill American Crows or Black-billed Magpies by any means, excluding bait, explosives or poison, and only on or over the threatened area.

(c) American Crows and Black-billed Magpies killed pursuant to this section shall be collected immediately and must be disposed of at a landfill that accepts wildlife carcasses or must be buried or incinerated.

(d) This subsection incorporates Section 50 CFR 21.42 and 21.43, 2002, ed., by reference.

(2)(a) A person may capture, transport, and kill or release a nuisance porcupine, striped skunk, or squirrel without obtaining a certificate of registration.

(b) A nuisance porcupine, striped skunk, or squirrel may be released only as follows:

(i) within 48 hours of capture;

(ii) within the county in which it was captured; and

(iii) in a location where it does not pose a risk to human health or safety, or create other conflict with humans, agriculture, or other animals.

R657-3-8. Collection, Importation, and Possession of Threatened and Endangered Species and Migratory Birds.

(1) The following species are prohibited from collection, possession, and importation into Utah without first obtaining a certificate of registration from the division, a federal permit from the U.S. Fish and Wildlife Service, and an entry permit number from the Department of Agriculture and Food if importing:

(a) any species which have been determined by the U.S. Fish and Wildlife Service to be endangered or threatened pursuant to the federal Endangered Species Act, as amended; and

(b) any species of migratory birds protected under the Migratory Bird Treaty Act.

(2) Federal laws and regulations apply to threatened and endangered species and migratory birds in addition to state and local laws.

R657-3-9. Release of Zoological Animals to the Wild -- Capture or Disposal of Escaped Wildlife.

(1)(a) Except as provided in Title 4, Chapter 37, the Aquaculture Act and Subsection R657-3-7(2), a person may not release to the wild or release into any public or private waters any zoological animal, including fish, without first obtaining authorization from the division.

(b) A violation of this section is punishable under Section 23-13-14.

(2) The division may seize or dispose of any illegally held zoological animal.

(3)(a) Any peace officer, division representative, or authorized animal control officer may seize or dispose of any live zoological animal that escapes from captivity.

(b) The division may retain custody of any recaptured zoological animal until the costs of recapture or care have been paid by its owner or keeper.

R657-3-10. Inspection of Documentation, Facilities, and Zoological Animals.

(1) A conservation officer or any other peace officer may require any person engaged in activities covered by this rule to exhibit:

(a) any documentation related to activities covered by this rule, including certificates of registration, permits, certificates of veterinary inspection, certification, bills of sale, or proof of ownership or legal possession;

(b) any zoological animal; or

(c) any device, apparatus, or facility used for activities covered by this rule.

(2) Inspection shall be made during reasonable hours.

R657-3-11. Certificate of Registration Required.

(1)(a) A person shall obtain a certificate of registration before collecting, importing, transporting, or possessing any species of zoological animal or its parts classified as prohibited or controlled, except as otherwise provided by the Wildlife Board or rules of the Wildlife Board as provided in Subsection R657-3-1(3).

(b) A certificate of registration is not required:

(i) to collect, import, transport, or possess any species or subspecies of zoological animal classified as noncontrolled; or

(ii) to export any species or subspecies of zoological animal from Utah, provided that the zoological animal is held in legal possession.

(c) Applications for zoological animals classified as prohibited shall not be accepted by the division without providing written justification describing how the applicant's proposed collection, importation, or possession of the zoological animal meets the criteria provided in Subsections R657-3-20(1)(b) or R657-3-18(4)(b).

(2)(a) Certificates of registration are not transferable and expire December 31 of the year issued, except as otherwise designated on the certificate of registration.

(b) If the holder of a certificate of registration is a representative of an institution, organization, business, or agency, the certificate of registration shall end upon the representative's discontinuation of association with that entity.

(c) Certificates of registration do not provide the holder with any rights of succession and any certificate of registration issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer.

(3)(a) The issuance of a certificate of registration automatically incorporates within its terms the conditions and

requirements of this rule specifically governing the activity for which the certificate of registration is issued.

(b) Any person accepting a certificate of registration under this rule acknowledges the necessity for close regulation and monitoring by the division.

(4) A single certificate of registration may authorize more than one activity.

(5)(a) In addition to this rule, the division may impose specific requirements on the holder of the certificate of registration necessary for the safe and humane handling and care of the zoological animal involved, including requirements for veterinary care, cage or holding pen sizes and standards, feeding requirements, social grouping requirements, and other requirements considered necessary by the division for the health and welfare of the zoological animal or the public.

(b) The authorizations on the face of the certificate of registration setting forth specific times, dates, places, methods of take, numbers and species of zoological animals, location of activity, authorization for certain circumscribed transactions, or other designated conditions are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.

(6)(a) Upon or before the expiration date of a certificate of registration, the holder must apply for a new certificate of registration to continue the activity.

(b) The division shall use the criteria provided in Section R657-3-14 in determining whether to issue the new certificate of registration.

(c) If an application is not made by the expiration date, live or dead zoological animals held in possession under the expired certificate of registration shall be considered unlawfully held and may be seized by the division.

(d) If an application for a new certificate of registration is submitted before the expiration date, the existing certificate of registration shall remain valid while the application is pending.

(7) Failure to submit timely, accurate, or valid reports as required under Section R657-3-16 and the certificate of registration may disqualify a person from obtaining a new certificate of registration.

(8) A certificate of registration may be revoked as provided in Section 23-19-9 and Rule R657-26.

R657-3-12. Application Procedures -- Fees.

(1)(a) Applications for certificates of registration are available from, and must be submitted to, the Wildlife Registration Office in Salt Lake City or any regional division office.

(b) The application may require up to 45 days for review and processing.

(c) Applications that are incomplete, completed incorrectly, or submitted without the appropriate fee or other required information may be returned to the applicant.

(2)(a) Legal tender in the correct amount must accompany the application.

(b) The certificate of registration fee includes a nonrefundable handling fee.

(c) Fees may be waived for wildlife rehabilitation, educational or scientific activities, or for state or federal agencies upon request if, in the opinion of the division, the activity is significantly beneficial to the division, wildlife, or wildlife management.

R657-3-13. Retroactive Effect on Possession.

A person lawfully possessing a zoological animal prior to the effective date of any species reclassification may receive a certificate of registration from the division for the continued possession of that zoological animal where the animal's species classification has changed hereunder from noncontrolled to controlled or prohibited, or from controlled to prohibited. The certificate of registration shall be obtained within six months of the reclassification, or possession of the zoological animal thereafter shall be unlawful.

R657-3-14. Issuance Criteria.

(1) The following factors shall be considered before the division may issue a certificate of registration:

- (a) the health, welfare, and safety of the public;
- (b) the health, welfare, safety, and genetic integrity of wildlife, domestic livestock, poultry, and other animals;
- (c) ecological and environmental impacts;
- (d) the suitability of the applicant's holding facilities;
- (e) the experience of the applicant for the activity requested; and
- (f) ecological or environmental impact on other states.

(2) In addition to the criteria provided in Subsection (1), the division shall use the following criteria for the issuance of a certificate of registration for a scientific use of a zoological animal;

- (a) the validity of the objectives and design;
- (b) the likelihood the project will fulfill the stated objectives;
- (c) the applicant's qualifications to conduct the research, including the requisite education or experience;
- (d) the adequacy of the applicant's resources to conduct the study; and
- (e) whether the scientific use is in the best interest of the zoological animal, wildlife management, education, or the advancement of science without unnecessarily duplicating previously documented scientific research.

(3) In addition to the criteria provided in Subsection (1), the division may use the following criteria for the issuance of a certificate of registration for an educational use of a zoological animal:

- (a) the objectives and structure of the educational program; and
- (b) whether the applicant has written approval from the appropriate official if the activity is conducted in a school or other educational facility.

(4) The division may deny issuing a certificate of registration to any applicant, if:

(a) the applicant has violated any provision of Title 23, Utah Wildlife Resources Code, Administrative Code R657, a certificate of registration, an order of the Wildlife Board or any other law that when considered with the functions and responsibilities of collecting, importing, possessing or propagating a zoological animal bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;

(b) the applicant has previously been issued a certificate of registration and failed to submit any report or information required by this rule, the division, or the Wildlife Board;

(c) the applicant misrepresented or failed to disclose material information required in connection with the application; or

(d) holding the zoological animal at the proposed location violates federal, state, or local laws.

(5) The collection or importation and subsequent possession of a zoological animal shall be granted only upon a clear demonstration that the criteria established in this section have been met by the applicant.

(6) The division, in making a determination under this section, may use any information available that is relevant to the issuance of the certificate of registration, including independent inquiry or investigation to verify information or substantiate the qualifications asserted by the applicant.

(7) If an application is denied, the division shall provide the applicant with written notice of the reasons for denial.

(8) An appeal of the denial of an application may be made as provided in Section R657-3-37.

R657-3-15. Amendment to Certificate of Registration.

(1)(a) If material circumstances change, requiring a modification of the terms of the certificate of registration, the holder may request an amendment by submitting written justification and supporting information.

(b) The division may amend the certificate of registration or deny the request based on the criteria for initial applications provided in Section R657-3-14, and, if the request for an amendment is denied, shall provide the applicant with written notice of the reasons for denial.

(c) The division may charge a fee for amending the certificate of registration.

(d) An appeal of a request for an amendment may be made as provided in Section R657-3-37.

(2) The division reserves the right to amend any certificate of registration for good cause upon notification to the holder and written findings of necessity.

(3)(a) Each holder of a certificate of registration shall notify the division within 30 days of any change in mailing address.

(b) Zoological animals or activities authorized by a certificate of registration may not be held at any location not

specified on the certificate of registration without prior written permission from the division.

R657-3-16. Records and Reports.

(1)(a) From the date of issuance of the certificate of registration, the holder shall maintain complete and accurate records of any taking, possession, transportation, propagation, sale, purchase, barter, or importation pursuant to this rule or the certificate of registration.

(b) Records must be kept current and shall include the names, phone numbers, and addresses of persons with whom any zoological animal has been sold, bartered, or otherwise transferred or received, and the dates of the transactions.

(c) The records required under this section must be maintained for two years from the expiration date of the certificate of registration.

(2) Reports of activity must be submitted to the Wildlife Registration Office as specified on the certificate of registration.

(3) Failure to submit the appropriate records and reports may result in revocation or denial of a certificate of registration.

R657-3-17. Collection, Importation or Possession for Personal Use.

(1) A person may collect, import or possess live or dead zoological animals or their parts for a personal use only as follows:

(a) Certificates of registration are not issued for the collection, importation or possession of any live or dead zoological animals or their parts classified as prohibited.

(b) A certificate of registration is required for collecting, importing or possessing any live or dead zoological animals or their parts classified as controlled, except as otherwise provided by the Wildlife Board.

(c) A certificate of registration is not required for collecting, importing or possessing live or dead zoological animals or their parts classified as noncontrolled.

(2) Notwithstanding Subsection (1), a person may import or possess any dead zoological animal or its parts, except as provided in Section R657-3-8, for a personal use without obtaining a certificate of registration, provided the animal was legally taken, is held in legal possession, and a valid license, permit, tag, certificate of registration, bill of sale, or invoice is available for inspection upon request.

R657-3-18. Collection, Importation or Possession of a Live Zoological Animal for a Commercial Use.

(1)(a) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect or possess a live zoological animal for a commercial use or commercial venture for pecuniary gain, unless otherwise provided in the rules and proclamations of the Wildlife Board, a certificate of registration or a memorandum of understanding with the division.

(b) Use of brine shrimp for culturing ornamental fish is not a commercial use if the brine shrimp eggs are not sold, bartered,

or traded and no more than 200 pounds are collected annually.

(2)(a) A person may import or possess a live zoological animal classified as non-controlled for a commercial use or a commercial venture, except native or naturalized species of zoological animals may not be sold or traded unless they originate from a captive-bred population.

(b) Complete and accurate records for native or naturalized species must be maintained and available for inspection for two years from the date of transaction, documenting the date, name, phone number, and address of the person from whom the zoological animal has been obtained.

(3)(a) A person may not import or possess a live zoological animal classified as controlled for a commercial use or commercial venture, without first obtaining a certificate of registration.

(b) A certificate of registration will not be issued to sell or trade a native or naturalized species of zoological animal unless it originates from a captive-bred population.

(c) It is unlawful to transfer a live zoological animal classified as controlled to a person who does not have a certificate of registration to possess the zoological animal.

(d) Complete and accurate records must be maintained and available for inspection for two years from the date of transaction, documenting the date, name, phone number, and address of the person from whom the zoological animal has been obtained.

(e) Complete and accurate records must be maintained and available for inspection for two years from the date of transfer, documenting the date, name, address and certificate of registration number of the person receiving the zoological animal.

(4)(a) A certificate of registration will not be issued for importing or possessing a live zoological animal classified as prohibited for a commercial use or commercial venture, except as provided in Subsection (b).

(b) The division may issue a certificate of registration to a zoo, circus, amusement park, aviary, or film company to import or possess live species of zoological animals classified as prohibited if, in the opinion of the division, the importation for a commercial use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.

(c) The division's authority to issue a certificate of registration to a zoo, circus, amusement park, or aviary under this Subsection is restricted to those facilities that keep the prohibited species of zoological animals in a park, building, cage, enclosure or other structure for the primary purpose of public exhibition or viewing.

(5) An entry permit, and a certificate of veterinary inspection are required by the Department of Agriculture to import a live zoological animal classified as noncontrolled, controlled or prohibited.

R657-3-19. Collection, Importation or Possession of Dead Zoological Animals or Their Parts for a Commercial Use.

(1) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect, import or possess any dead zoological animal or its parts for a commercial use or commercial venture for pecuniary

gain, unless otherwise provided in the rules and proclamations of the Wildlife Board, or a memorandum of understanding with the division.

(2) The restrictions in Subsection (1) do not apply to the following:

(a) the commercial use of a dead coyote, jackrabbit, muskrat, raccoon, or its parts;

(b) a business entity that has obtained a certificate of registration from the division to conduct nuisance wildlife control or carcass removal is allowed; and

(c) dead zoological animals sold or traded for educational use.

R657-3-20. Collection, Importation or Possession for Scientific or Educational Use.

A person may collect, import or possess live or dead zoological animals or their parts for a scientific or educational use only as follows:

(1)(a) Certificates of registration are not issued for collecting, importing or possessing live or dead zoological animals classified as prohibited, except as provided in Subsection (b).

(b) The division may issue a certificate of registration to a university, college, governmental agency, bona fide nonprofit institution, or a person involved in wildlife research to collect, import or possess live or dead zoological animals classified as prohibited if, in the opinion of the division, the scientific or educational use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.

(2) A person shall obtain a certificate of registration before collecting, importing or possessing live or dead zoological animals or their parts classified as controlled.

(3) A certificate of registration is not required to collect, import or possess live or dead zoological animals classified as noncontrolled.

R657-3-21. Classification and Specific Rules for Birds.

(1) The following birds are classified as noncontrolled for collection, importation and possession:

(a) Penguins, Spheniscidae Family, (All species);

(b) Megapodes (Mound-builders), Megapodiidae Family (All species);

(c) Coturnix quail, Phasianidae Family (Coturnix spp.);

(d) Buttonquails, Turnicidae Family (All species);

(e) Turacos (including Plantain eaters and Go-away-birds), Musophagidae Family (All species);

(f) Pigeons and Doves, Columbidae Family (All species not native to North America);

(g) Parrots, Psittacidae Family (All species not native to North America);

(h) Rollers, Coraciidae Family (All species);

(i) Motmots, Momotidae Family (All species);

(j) Hornbills, Bucerotidae Family (All species);

(k) Barbets, Capitonidae and Rhamphastidae Families (Capitoninae) (All species not native to North America);

- (l) Toucans, Ramphastidae and Rhamphastidae Families (Ramphastinae) (All species not native to North America;
 - (m) Broadbills, Eurylaimidae Family (All species);
 - (n) Cotingas, Cotingidae Family (All species);
 - (o) Honeyeaters, Meliphagidae Family (All species);
 - (p) Leafbirds and Fairy-bluebirds, Irenidae Family (Irena spp., Chloropsis spp., and Aegithina spp.);
 - (q) Starlings, Sturnidae Family (All species, except European Starling);
 - (r) Babblers, Timaliidae Family (All species);
 - (s) White-eyes, Zosteropidae Family (All species);
 - (t) Sunbirds, Nectariniidae Family (All species);
 - (u) Sugarbirds, Promeropidae Family (All species)
 - (v) Weaver finches, Ploceidae Family (All species);
 - (w) Estrildid finches (Waxbills, Mannikins, and Munias) Estrildidae Family, (Estrildidae) (Estrildinae) (All species); and
 - (x) Vidua finches (Indigobirds and Whydahs) Viduidae Family, Estrildidae (Viduinae) (All species);
 - (y) Finches and Canaries, Fringillidae Family (All species not native to North America);
 - (z) Tanagers (including Swallow-tanager), Thraupidae Family (All species not native to North America); and
 - (aa) Icterids (Troupials, Blackbirds, Orioles, etc.), Icteridae Family (All species not native to North America, except Central and South American Cowbirds).
- (2) The following birds are classified as noncontrolled for collection and possession, and controlled for importation:
- (a) European Starling, Sturnidae Family (*Sturnus vulgaris*); and
 - (b) House (English) Sparrow, Passeridae Family (*Passer domesticus*).
- (3) The following birds are classified as prohibited for collection and importation, and controlled for possession:
- (a) Icteridae (*Molothrus* spp. and *Scaphidura oryzivora*).
- (4) The following birds are classified as prohibited for collection, importation and possession:
- (a) Ocellated turkey, Phasianidae Family, (*Meleagris ocellata*).
- (5) All species and subspecies of birds and their parts, including feathers, not listed in Subsection (1) through Subsection (4):
- (a) and not listed in Appendix I or II of CITES are classified as prohibited for collection and controlled for importation and possession;
 - (b) and listed in Appendix I of CITES are classified as prohibited for collection and importation and controlled for possession;
 - (c) and listed in Appendix II of CITES are classified as prohibited for collection and controlled for importation and possession.

R657-3-22. Classification and Specific Rules for Invertebrates.

- (1) Crustaceans are classified as follows:
 - (a) Asiatic (Mitten) Crab, Grapsidae Family (*Eriocheir*, All

species) are prohibited for collection, importation and possession;

(b) Brine shrimp, Mysidae Family (All species) are classified as controlled for collection, and noncontrolled for importation and possession;

(c) Red-claw crayfish, Astacidae Family (*Cherax quadricarinatus*) is prohibited for collection, and controlled for importation and possession;

(d) Crayfish, Astacidae, Cambaridae and Parastacidae Families (All species except *Cherax quadricarinatus*) are prohibited for collection, importation and possession;

(e) Daphnia, Daphnidae Family (*Daphnia lumholtzi*) is prohibited for collection, importation and possession;

(f) Fishhook water flea, Cercopagidae Family (*Cercopagis pengoi*) is prohibited for collection, importation and possession; and

(g) Spiny water flea, Cercopagidae Family (*Bythotrephes cederstroemii*) is prohibited for collection, importation and possession.

(2) Mollusks are classified as follows:

(a) African giant snail, Achatinidae Family (*Achatina fulica*) is prohibited for collection, importation and possession;

(b) Brian head mountainsnail, Oreohelicidae Family (*Oreohelix parawanensis*) is controlled for collection, importation and possession;

(c) California floater, Anodontidae Family (*Anodonta californiensis*) is controlled for collection, importation and possession;

(d) Corrugated mountainsnail, Oreohelicidae Family (*Oreohelix haydeni corrugata*) is controlled for collection, importation and possession;

(e) Cummings' mountainsnail, Oreohelicidae Family (*Oreohelix yavapai cummingsi*) is controlled for collection, importation and possession;

(f) Deseret mountainsnail, Oreohelicidae Family (*Oreohelix peripherica*) is controlled for collection, importation and possession;

(g) Desert springsnail, Hydrobiidae Family (*Pyrgulopsis deserta*) is controlled for collection, importation and possession;

(h) Desert valvata, Valvatidae Family (*Valvata utahensis*) is prohibited for collection, importation and possession;

(i) Eureka mountainsnail, Oreohelicidae Family (*Oreohelix eurekaensis*) is controlled for collection, importation and possession;

(j) Fat-whorled pondsnail, Lymnaeidae Family (*Stagnicola bonnevillensis*) is controlled for collection, importation and possession;

(k) Fish lake physa, Physidae Family (*Physella microstriata*) is controlled for collection, importation and possession;

(l) Fish springs marshsnail, Lymnaeidae Family (*Stagnicola pilsbryi*) is prohibited for collection, importation and possession;

(m) Glossy valvata, Valvatidae Family (*Valvata humeralis*) is controlled for collection, importation and possession;

(n) Kanab ambersnail, Succineidae Family (*Oxyloma kanabense*) is prohibited for collection, importation and possession;

(o) Lyrate mountainsnail, Oreohelicidae Family (Oreohelix haydeni) is controlled for collection, importation and possession;

(p) New Zealand Mudsail, Hydrobiidae Family (Potamopyrgus antipodarum) is prohibited for collection, importation and possession;

(q) Quagga mussel, Dreissenidae Family (Dreissena bugenses) is prohibited for collection, importation and possession;

(r) Spruce snail, Thysanophoridae Family (Microphysula ingersolli) is controlled for collection, importation and possession;

(s) Thickshell pondsail, Lymnaeidae Family (Stagnicola utahensis) is prohibited for collection, importation and possession;

(t) Utah physa, Physidae Family (Physella utahensis) is controlled for collection, importation and possession;

(u) Wet-rock physa, Physidae Family (Physella zionis) is controlled for collection, importation and possession;

(v) Yavapai mountainsail, Oreohelicidae Family (Oreohelix yavapai) is controlled for collection, importation and possession; and

(w) Zebra mussel, Dreissenidae Family (Dreissena polymorpha) is prohibited for collection, importation and possession.

(3) All species and subspecies of invertebrates not listed in Subsection (1) and (2) are classified as noncontrolled for collection, importation and possession.

R657-3-23. Classification and Specific Rules for Fish.

(1) All species of fish listed in Subsections (2) through (30) are classified as prohibited for collection, importation and possession, except:

(a) Koi, Cyprinidae Family (Cyprinus carpio) is prohibited for collection, and noncontrolled for importation and possession;

(b) all species and subspecies of ornamental fish not listed in Subsections (2) through (30) are classified as prohibited for collection, and noncontrolled for importation and possession; and

(c) all species and subspecies of non-ornamental fish not listed in Subsections (2) through (30) are classified as prohibited for collection, and controlled for importation and possession.

(2) Carp, including hybrids, Cyprinidae Family, (All species, except Koi).

(3) Catfish:

(a) Flathead catfish, Ictaluridae Family (Pylodictus olivaris);

(b) Giant walking catfish (airsac), Heteropneustidae Family (All species);

(c) Labyrinth catfish (walking), Clariidae Family (All species); and

(d) Parasitic catfish (candiru, carnero) Trichomycteridae Family (All species).

(4) Herring:

(a) Alewife, Clupeidae Family (Alosa pseudoharengus); and

(b) Gizzard shad, Clupeidae Family (Dorosoma cepedianum).

(5) Killifish, Fundulidae Family (All species).

(6) Pike killifish, Poeciliidae Family (Belonesox belizanus).

- (7) Minnows:
 - (a) Bonytail, Cyprinidae Family (*Gila elegans*);
 - (b) Colorado pikeminnow, Cyprinidae Family (*Ptychocheilus lucius*);
 - (c) Creek chub, Cyprinidae Family (*Semotilus atromaculatus*);
 - (d) Humpback chub, Cyprinidae Family (*Gila cypha*);
 - (e) Least chub, Cyprinidae Family (*Iotichthys phlegethontis*);
 - (f) Leatherside chub, Cyprinidae Family (*Gila copei*);
 - (g) Red shiner, Cyprinidae Family (*Cyprinella lutrensis*);
 - (h) Redside shiner, Cyprinidae Family (*Richardsonius balteatus*);
 - (i) Roundtail chub, Cyprinidae Family (*Gila robusta*);
 - (j) Sand shiner, Cyprinidae Family (*Notropis stramineus*);
 - (k) Utah chub, Cyprinidae Family (*Gila atraria*);
 - (l) Virgin River chub, Cyprinidae (*Gila seminuda*); and
 - (m) Virgin spinedace, Cyprinidae Family (*Lepidomeda mollispinis*).
- (8) Woundfin, Cyprinidae Family (*Plagopterus argentissimus*).
- (9) Suckers:
 - (a) Bluehead sucker, Catostomatidae Family (*Catostomus discobolus*);
 - (b) Desert sucker, Catostomatidae Family (*Catostomus clarki*);
 - (c) Flannelmouth sucker, Catostomatidae Family (*Catostomus latipinnis*);
 - (d) June sucker, Catostomatidae Family (*Chasmistes liorus*);
 - (e) Razorback sucker, Catostomatidae Family (*Xyrauchen texanus*);
 - (f) Utah sucker, Catostomatidae Family (*Catostomus ardens*);
 and
 - (g) White sucker, Catostomatidae Family (*Catostomus commersoni*).
- (10) White perch, Moronidae Family (*Morone americana*).
- (11) Cutthroat trout, Salmonidae Family (*Oncorhynchus clarki*) (All subspecies).
- (12) Bowfin, Amiidae Family (All species).
- (13) Bull shark, Carcharhinidae Family (*Carcharhinus leucas*).
- (14) Drum (freshwater forms), Sciaenidae Family (All species).
- (15) Gar, Lepidsosteidae Family (All species).
- (16) Jaguar guapote, Cichlidae Family (*Cichlasoma managuense*).
- (17) Lamprey, Petromyzontidae Family (All species).
- (18) Mexican tetra, Characidae Family (*Astyanax mexicanus*, except blind form).
- (19) Mooneye, Hiodontidae Family (All species).
- (20) Nile perch, Centropomidae Family (*Lates*, *luciolates*) (All species).
- (21) Northern pike, Esocidae Family (*Esox lucius*).
- (22) Pirhana, Characidae Family (*Serrasalmus*, All species).
- (23) Round goby, Gobiidae Family (*Neogobius melanostomus*).
- (24) Ruffe, Percidae Family (*Gymnocephalus cernuus*).
- (25) Snakehead, Channidae Family (All species).
- (26) Stickleback, Gasterosteidae Family (All species).
- (27) Stingray (freshwater), Dasyatidae Family (All species).

- (28) Swamp eel, Synbranchidae Family (All species).
- (29) Tiger fish, guavinus, Erythrinidae Family (Hoplias malabaricus).
- (30) Tilapia, Cichlidae Family (Tilapia and Sarotherodon) (All species).

R657-3-24. Classification and Specific Rules for Mammals.

- (1) Mammals are classified as follows:
 - (a) Monotremes (Platypus and Spiny anteaters), Ornithorhynchidae and Tachyglossidae Families (All species) are prohibited for collection, and controlled for importation and possession;
 - (b) Marsupials are classified as follows:
 - (i) Opossum, Didelphidae Family (Didelphis virginiana) is noncontrolled for collection, prohibited for importation and controlled for possession;
 - (ii) Sugar glider, Petauridae Family (Petaurus breviceps) is noncontrolled for collection, importation or possession;
 - (iii) Wallabies, Macropodidae Family (All species) are prohibited for collection, importation and possession;
 - (c) Bats and flying foxes (Chiroptera), All families (All species) are prohibited for collection, importation and possession;
 - (d) Insectivores (Insectivora) are controlled for collection, importation and possession;
 - (e) Hedgehogs and Tenrecs, Erinaceidae and Tenrecidae Families, except white bellied hedgehogs are controlled for collection, importation and possession;
 - (f) Shrews, Soricidae Family (Sorex spp. and Notisorex spp.) are controlled for collection, importation and possession;
 - (g) Anteaters, Sloths and Armadillos (Xenartha), All families (All species) are prohibited for collection, and controlled for importation and possession;
 - (h) Aardvark (Tubulidentata), Orycteropodidae Family (Orycteropus afer) is prohibited for collection, and controlled for importation and possession;
 - (i) Pangolins or Scaly Anteaters (Philodonta), Manis spp., are prohibited for collection and importation, and controlled for possession;
 - (j) Tree shrews (Scandentia), Tupaiidae Family (All species) are prohibited for collection, and controlled for importation and possession;
 - (k) Lagomorphs (Rabbits, Hares and Pikas) are classified as follows:
 - (i) Jackrabbits, Leporidae Family (Lepus spp.) are noncontrolled for collection, and controlled for importation and possession;
 - (ii) Cottontails, Leporidae Family (Sylvilagus spp.) are prohibited for collection, and controlled for importation and possession;
 - (iii) Pygmy rabbit, Leporidae Family (Brachylagus idahoensis) is prohibited for collection, and controlled for importation and possession;
 - (iv) Snowshoe hare, Leporidae Family (Lepus americanus) is prohibited for collection, and controlled for importation and

possession;

(v) Pika, Ochotonidae Family (*Ochotona princeps*) is controlled for collection, importation and possession;

(l) Elephant shrews (Macroscelidea), Macroscelididae Family (All species) are prohibited for collection, and controlled for importation and possession;

(m) Rodents (Rodentia) are classified as follows:

(i) Beaver, Castoridae Family (*Castor canadensis*) is controlled for collection, importation and possession;

(ii) Muskrat, Cricetidae Family (*Ondatra zibethicus*) are noncontrolled for collection, and controlled for importation and possession;

(iii) Deer mice and related species, Cricetidae Family (*Peromyscus* spp.) are controlled for collection, importation and possession;

(iv) Grasshopper mice, Cricetidae Family (*Onychomys* spp.) are controlled for collection, importation and possession;

(v) Heather vole, Cricetidae Family (*Phenacomys intermedius*) is controlled for collection, importation and possession;

(vi) Meadow vole, Cricetidae Family (*Microtus pennsylvanicus*) is noncontrolled for collection, and controlled for importation and possession;

(vii) Red-backed vole, Cricetidae Family (*Clethrionomys gapperi*) is controlled for collection, importation and possession;

(viii) Sagebrush vole, Cricetidae Family (*Lemmiscus curtatus*) is controlled for collection, importation and possession;

(ix) Other voles, Cricetidae Family (*Microtus* spp.) are controlled for collection, importation and possession;

(x) Western harvest mouse, Cricetidae Family (*Reithrodontomys megalotis*) is controlled for collection, importation and possession;

(xi) Woodrats, Cricetidae Family (*Neotoma* spp.) are controlled for collection, importation and possession;

(xii) Nutria, Myocastoridae Family (*Myocastor coypus*) is noncontrolled for collection, prohibited for importation and controlled for possession;

(xiii) Pocket gophers (all species), Geomyidae Family (*Thomomys* spp.) are noncontrolled for collection, and controlled for importation and possession;

(xiv) Pocket mice, Heteromyidae Family (*Perognathus* spp. and *Chaetodipus intermedius*) are controlled for collection, importation and possession;

(xv) Dark kangaroo mouse, Heteromyidae Family (*Microdipodops pallidus*) is controlled for collection, importation and possession;

(xvi) Kangaroo rats, Heteromyidae Family (*Dipodomys* spp.) are controlled for collection, importation and possession;

(xvii) Desert kangaroo rat, Heteromyidae Family (*Dipodomys deserti*) is controlled for collection, importation and possession;

(xviii) Merriam's kangaroo rat, Heteromyidae Family (*Dipodomys merriami*) is controlled for collection, importation and possession;

(xix) Ord's kangaroo rat, Heteromyidae Family (*Dipodomys ordii*) is controlled for collection, importation and possession;

(xx) Abert's squirrel, Sciuridae Family, (*Sciurus aberti*

navajo) is prohibited for collection, importation and possession;

(xxi) Black-tailed prairie dog, Sciuridae Family (Cynomys ludovicianus) is controlled for collection, and prohibited for importation and possession;

(xxii) Gunnison's prairie dog, Sciuridae Family (Cynomys gunnisoni) is controlled for collection, importation and possession;

(xxiii) Utah prairie dog, Sciuridae Family (Cynomys parvidens) is prohibited for collection, importation and possession;

(xxiv) White-tailed prairie dog, Sciuridae Family (Cynomys leucurus) is controlled for collection, importation and possession;

(xxv) Chipmunks, except Yellow-pine chipmunk, Sciuridae Family (Tamias and Eutamias) are noncontrolled for collection, and controlled for importation and possession;

(xxvi) Yellow-pine chipmunk, Sciuridae Family, (Tamias amoenus) is controlled for collection, importation and possession;

(xxvii) Northern flying squirrel, Sciuridae Family (Glaucomys sabrinus) is controlled for collection, importation and possession;

(xxviii) Southern flying squirrel, Sciuridae Family (Glaucomys volans) is prohibited for collection, importation and possession;

(xxix) Ground squirrel and rock squirrel, except nuisance squirrels, which are noncontrolled for collection, Sciuridae Family (Spermophilus spp. and Ammospermophilus leucurus) are controlled for collection, importation and possession;

(xxx) Red squirrel or chickaree, except for nuisance animals, which are noncontrolled for collection, Sciuridae Family (Tamiasciurus hudsonicus) are controlled for collection, importation and possession;

(xxxi) Yellow-bellied marmot, Sciuridae Family, (Marmota flaviventris) is controlled for collection, importation and possession;

(xxxii) Western jumping mouse, Zapodidae Family (Zapus princeps) is controlled for collection, importation and possession;

(xxxiii) Porcupine, Erethizontidae Family (Erethizon dorsatum) is controlled for collection, importation and possession;

(xxxiv) Other South American rodents, Degus and Octodontidae Families (All species) are prohibited for collection, importation and possession;

(xxxv) Dormice, Gliridae and Selevinidae Families (All species) are prohibited for collection, importation and possession;

(xxxvi) African pouched rats, Muridae Family (All species) are prohibited for collection, importation and possession;

(xxxvii) Jirds, Muridae Family (Meriones spp.) are prohibited for collection, importation and possession;

(xxxviii) Pygmy mice, Muridae Family (Mus triton) are prohibited for collection, importation and possession;

(xxxix) Spiny mice, Muridae Family (Acomys spp.) are prohibited for collection, importation and possession;

(xl) Hyraxes (Hyracoidea), Procaviidae Family (All species) are prohibited for collection, and controlled for importation and possession;

(n) Hoofed mammals (Artiodactyla and Perissodactyla) are

classified as follows:

(i) Bison or Buffalo (Wild and free ranging), Bovidae Family (*Bison bison*) is prohibited for collection, importation and possession;

(ii) Collared peccary or javelina, Tayassuidae Family (*Pecari tajacu*) is prohibited for collection, importation and possession;

(iii) Axis deer, Cervidae Family (*Cervus axis*) is prohibited for collection, importation and possession;

(iv) Caribou, wild and free ranging, Cervidae Family (*Rangifer tarandus*) is prohibited for collection, importation and possession;

(v) Caribou, captive-bred, Cervidae Family (*Rangifer tarandus*) is prohibited for collection, and controlled for importation and possession;

(vi) Elk, wild and free ranging, Cervidae Family (*Cervus elaphus*) is prohibited for collection, importation and possession;

(vii) Fallow deer, wild and free ranging, Cervidae Family (*Cervus dama*) is prohibited for collection, importation and possession;

(viii) Fallow deer, captive-bred, Cervidae Family (*Cervus dama*) is prohibited for collection, and controlled for importation and possession;

(ix) Moose, Cervidae Family (*Alces alces*) is prohibited for collection, importation and possession;

(x) Mule deer, Cervidae Family (*Odocoileus hemionus*) is prohibited for collection, importation and possession;

(xi) Red deer, Cervidae Family (*Cervus elaphus*) is prohibited for collection, importation and possession;

(xii) Rusa deer, Cervidae Family (*Cervus timorensis*) is prohibited for collection, importation and possession;

(xiii) Sambar deer, Cervidae Family (*Cervus unicolor*) is prohibited for collection, importation and possession;

(xiv) Sika deer, Cervidae Family (*Cervus nippon*) is prohibited for collection, importation and possession;

(xv) White-tailed deer, Cervidae Family (*Odocoileus virginianus*) is prohibited for collection, importation and possession;

(xvi) Muskox, wild and free ranging, Bovidae Family (*Ovibos moschatus*) is prohibited for collection, importation and possession;

(xvii) Muskox, captive-bred, Bovidae Family (*Ovibos moschatus*) is prohibited for collection, and controlled for importation and possession;

(xviii) Pronghorn, Antilocapridae Family (*Antilocapra americana*) is prohibited for collection, importation and possession;

(xix) Barbary sheep or Aoudad, Bovidae Family (*Ammotragus lervia*) is prohibited for collection, importation and possession;

(xx) Bighorn sheep (including hybrids) Bovidae Family (*Ovis canadensis*) are prohibited for collection, importation and possession;

(xxi) Dall's and Stone's sheep (including hybrids) Bovidae Family (*Ovis dalli*) are prohibited for collection, importation and possession;

(xxii) Exotic wild sheep (including hybrids), Bovidae Family (Including Mouflon, *Ovis musimon*; Asiatic or red sheep, *Ovis orientalis*; Urial, *Ovis vignei*; Argali, *Ovis ammon*; and Snow Sheep, *Ovis nivicola*) are prohibited for collection, importation and possession;

(xxiii) Rocky Mountain goat, Bovidae Family (*Oreamnos americanus*) is prohibited for collection, importation and possession;

(xxiv) Ibex, Bovidae Family (*Capra ibex*) is prohibited for collection, importation and possession;

(o) Carnivores (Carnivora) are classified as follows:

(i) Bears, Ursidae Family (*Ursus*, all species) are prohibited for collection, importation and possession;

(ii) Coyote, Canidae Family (*Canis latrans*) is prohibited for importation, and is controlled by the Utah Department of Agriculture for collection and possession;

(iii) Fennec fox, Canidae Family (*Vulpes zerda*) is prohibited for collection, importation and possession;

(iv) Gray fox, Canidae Family (*Urocyon cinereoargenteus*) is prohibited for collection, importation and possession;

(v) Kit fox, Canidae Family (*Vulpes macotis*) is prohibited for collection, importation and possession;

(vi) Red fox, Canidae Family (*Vulpes vulpes*) is noncontrolled for collection, and prohibited for importation and possession;

(vii) Gray wolf, except hybrids with domestic dogs, Canidae Family (*Canis lupus*) is prohibited for collection, importation and possession;

(viii) Wild Cats (including hybrids) Felidae Family (All species) are prohibited for collection, importation, and possession;

(ix) Bobcat, wild and free ranging, Felidae Family (*Felis rufus*) is prohibited for collection, importation and possession;

(x) Bobcat, captive-bred, Felidae Family (*Felis rufus*) is prohibited for collection, and controlled for importation and possession;

(xi) Cougar, Felidae Family (*Felis (Puma) concolor*) is prohibited for collection, importation and possession;

(xii) Lynx, wild and free ranging, Felidae Family (*Felis lynx*) is prohibited for collection, importation and possession;

(xiii) Lynx, captive-bred, Felidae Family (*Felis lynx*) is prohibited for collection, and controlled for importation and possession;

(xiv) Badger, Mustelidae Family (*Taxidea taxus*) is prohibited for collection, importation and possession;

(xv) Black-footed ferret, Mustelidae Family (*Mustela nigripes*) is prohibited for collection, importation or possession;

(xvi) Ermine or short-tailed weasel, Mustelidae Family (*Mustela erminea*) is prohibited for collection, importation and possession;

(xvii) Long-tailed weasel, Mustelidae Family (*Mustela frenata*) is prohibited for collection, importation and possession;

(xviii) Marten, wild and free ranging, Mustelidae Family (*Martes americana*) is prohibited for collection, importation and possession;

(xix) Marten, captive-bred, Mustelidae Family (*Martes americana*) is prohibited for collection, controlled for importation and possession;

(xx) Mink, except domestic forms, Mustelidae Family (*Mustela vison*) is prohibited for collection, importation and possession;

(xxi) Northern River Otter, Mustelidae Family (*Lutra canadensis*) is prohibited for collection, importation and possession;

(xxii) Striped skunk, except nuisance skunks, which are noncontrolled for collection, Mustelidae Family (*Mephitis mephitis*) is prohibited for collection, importation, and possession;

(xxiii) Western spotted skunk, Mustelidae Family (*Spilogale gracilis*) is prohibited for collection, importation, and possession;

(xxiv) Wolverine, Mustelidae Family (*Gulo gulo*) is prohibited for collection, importation and possession;

(xxv) Coatis, Procyonidae Family (*Nasua* spp. and *Nasua* spp.) is prohibited for collection, importation and possession;

(xxvi) Kinkajou, Procyonidae Family (*Potos flavus*) is prohibited for collection, importation and possession;

(xxvii) Raccoon, Procyonidae Family (*Procyon lotor*) is prohibited for importation, and controlled by the Department of Agriculture for collection and possession;

(xxviii) Ringtail, Procyonidae Family (*Bassariscus astutus*) is prohibited for collection, importation and possession;

(xxix) Civets, Genets and related forms, Viverridae Family (All species) are prohibited for collection, importation and possession;

(p) Primates (Prosimians) (Lower Primates) are classified as follows:

(i) Lemurs, Lemuridae Family (All species) are prohibited for collection, importation and possession;

(ii) Dwarf and mouse lemurs, Cheirogaleidae Family (All species) are prohibited for collection, importation and possession;

(iii) Indri and sifakas, Indriidae Family (All species) are prohibited for collection, importation and possession;

(iv) Aye aye, Daubentonidae Family (*Daubentonia madagascensis*) is prohibited for collection, importation and possession;

(v) Bush babies, pottos and lorises, Lorisidae Family (All species) are prohibited for collection, importation and possession;

(vi) Tarsiers, Tarsiidae Family (All species) are prohibited for collection, importation and possession;

(vii) Capuchin-like monkeys, Cebidae Family (All species) are prohibited for collection, importation and possession;

(viii) Marmosets and tamarins, Callitrichidae Family (All species) are prohibited for collection, importation and possession;

(ix) Old-world monkeys, which includes baboons and macaques, Cercopithecidae Family (All species) are prohibited for collection, importation and possession;

(x) Great apes (Gorilla, chimpanzee and orangutan), Pongidae Family (All species) are prohibited for collection, importation and possession;

(xi) Lesser apes (Siamang and gibbons), Hylobatidae Family

(All species) are prohibited for collection, importation and possession;

(2) All species and subspecies of mammals and their parts, not listed in Subsection (1):

(a) and not listed in Appendix I or II of CITES are classified as prohibited for collection and controlled for importation and possession;

(b) and listed in Appendix I of CITES are classified as prohibited for collection and importation and controlled for possession;

(c) and listed in Appendix II of CITES are classified as prohibited for collection and controlled for importation and possession.

R657-3-25. Importation of Zoological Animals into Utah.

(1) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number before any zoological animal may be imported into Utah.

(2)(a) All live fish imported into Utah and not destined for an aquaculture facility or fee fishing facility must be accompanied by the following documentation:

- (i) common or scientific names of fish;
- (ii) name and address of the consignor and consignee;
- (iii) origin of shipment;
- (iv) final destination; and
- (v) number of fish shipped.

(b) A person may import live fish destined for an aquaculture facility or fee fishing facility only as provided by Title 4, Chapter 37, Aquaculture Act and the rules promulgated thereunder.

(3) Subsection (2)(a) does not apply to fish or crayfish caught in Lake Powell, Bear Lake, or Flaming Gorge reservoirs under the authority of a valid fishing license and in accordance with Rule R657-13 and the proclamation of the Wildlife Board for taking fish and crayfish.

R657-3-26. Transporting Live Zoological Animals Through Utah.

(1) Any controlled or prohibited zoological animal may be transported through Utah without a certificate of registration if:

(a) the zoological animal remains in Utah no more than 72 hours; and

(b) the zoological animal is not sold, transferred, exhibited, displayed, or used for a commercial venture while in Utah.

(2) A certificate of veterinary inspection is required from the state of origin as provided in Rule R58-1 and proof of legal possession must accompany the zoological animal.

(3) If delays in transportation arise, an extension of the 72 hours may be requested by contacting the Wildlife Registration Office in Salt Lake City.

R657-3-27. Importing Zoological Animals into Utah for Processing.

(1) A person shipping zoological animals directly to a state or federally regulated establishment for processing is not required

to obtain a certificate of registration or certificate of veterinary inspection provided the animals or their parts are accompanied by a waybill or other proof of legal ownership describing the animals, their source, and indicating the destination.

(2) Any water used to hold or transport fish may not be emptied into a stream, lake, or other natural body of water.

R657-3-28. Transfer of Possession.

(1) A person may possess a zoological animal classified as prohibited or controlled only after applying for and obtaining a certificate of registration from the division as provided in this rule.

(2) Any person who possesses a zoological animal classified as prohibited or controlled may transfer possession of that zoological animal only to a person who has first applied for and obtained a certificate of registration for that zoological animal from the division.

(3) The division may issue a certificate of registration granting the transfer and possession of that zoological animal only if the applicant meets the issuance criteria provided in Section R657-3-14.

R657-3-29. Propagation.

(1) A person may propagate zoological animals classified as noncontrolled for possession.

(2) A person may propagate zoological animals classified as controlled for possession only after obtaining a certificate of registration from the division, or as otherwise authorized in Sections R657-3-30, R657-3-31, and R657-3-32.

(3) A person may not propagate zoological animals classified as prohibited for possession, except as authorized in Sections R657-3-30, R657-3-31 and R657-3-32.

R657-3-30. Propagation of Raptors.

(1) A person may propagate raptors only as provided in this section and Section 50 CFR 21.30, 2002, ed., which is incorporated by reference. All applicants for captive breeding permits must become familiar with this rule and the applicable federal regulations.

(2) A person must apply for a federal raptor propagation permit and a certificate of registration from the division to propagate raptors.

(3) If the applicant requests authority to use raptors taken from the wild, the regional director of the U.S. Fish and Wildlife Service in consultation with the avian program coordinator must determine the following:

(a) whether issuance of the permit would have significant effect on any wild population of raptors;

(b) whether suitable captive stock is available; and

(c) whether wild stock is needed to enhance the genetic variability of captive stock.

(4) Raptors may not be taken from the wild for captive breeding, except as provided in Subsection (3).

(5) A person must obtain authorization from the division before importing raptor semen into Utah or importing captive-raised raptors for sale. The authorization shall be noted on the certificate of registration.

(6) A person may sell a captive-bred raptor properly marked with a band approved by the U.S. Fish and Wildlife Service or issued by the U.S. Fish and Wildlife Service to a raptor breeder who has a valid federal and state license or to state and federally licensed general or master class falconer.

(7) A permittee may not purchase, sell or barter any raptor eggs, any raptors taken from the wild, any raptor semen collected from the wild, or any raptors hatched from eggs taken from the wild.

(8) Each captive bred raptor brought into Utah must be accompanied by a valid certificate of veterinary inspection issued by an accredited veterinarian from the state of origin.

(9) A permittee may use raptors held in possession for propagation in the sport of falconry only if such use is designated on both the propagation permit and the permittee's falconry permit.

(10) Raptors used for falconry on temporary loan to a breeding project, with the division's authorization and accompanied by a Form 3-186A, Migratory Bird Acquisition and Disposition Report, provided by the U.S. Fish and Wildlife Service, must be included in the loaning falconer's bird number limitation as permitted in the license class designation.

(11)(a) Hybridization with the female of a species which is endangered or threatened is prohibited.

(b) Interspecific hybridization between species is authorized only if each raptor produced is either imprinted on humans or surgically sterilized.

(i) "Imprinted on humans" means hand-raised in isolation from the sight of other raptors from two weeks of age until it is fully feathered.

(c) Documentation of imprinting on humans required under Subsection (b) must be provided by the propagator.

(12) Raptors considered unsuitable for release to the wild from rehabilitation projects, and certified as not releasable by a licensed veterinarian, may be placed in a captive breeding project upon written request from an authorized breeder and with concurrence of the U.S. Fish and Wildlife Service and the division.

(13) A copy of the propagator's annual report of activities required by the U.S. Fish and Wildlife Service must be sent to the division as specified on the certificate of registration.

R657-3-31. Propagation of Bobcat, Lynx, and Marten.

(1)(a) A person may propagate captive-bred bobcat, lynx, or marten only after obtaining a certificate of registration from the division.

(b) The certificate of registration must be renewed annually.

(c) Renewal of a certificate of registration will be subject to submission of a report indicating:

(i) the number of progeny produced;

(ii) the animal's disposition; and

(iii) a certificate of inspection by a licensed veterinarian

verifying that the animals are being maintained under healthy and nutritionally adequate conditions.

(2)(a) Any person engaged in propagation must keep at least one male and one female in possession.

(b) Live bobcat, lynx, and marten may not be obtained from the wild.

(c) Bobcat, lynx, and marten held for propagation shall not be maintained as pets and shall not be declawed or defanged.

(3) The progeny and descendants of any bobcat, lynx, or marten may be pelted or sold.

(4)(a) If any bobcat, lynx, or marten is sold live to a person residing in Utah, the purchaser must have first obtained a certificate of registration from the division and must show proof of this fact to the seller.

(b) The offense of selling or transferring a live bobcat, lynx, or marten to a person who has not obtained a certificate of registration shall be punishable against both the transferor and the transferee.

(5)(a) Each pelt must have attached to it a permanent possession tag before being sold, bartered, traded, or transferred to another person.

(b) Permanent possession tags may be obtained at any regional division office and shall be affixed to the pelt by a division employee.

(6) The progeny of bobcat, lynx, or marten may not be released to the wild.

(7) Nothing in this section shall be construed to allow a person holding a certificate of registration for propagation to use or possess a bobcat, lynx, or marten for any purpose other than propagation without express authorization on the certificate of registration.

R657-3-32. Propagation of Caribou, Fallow Deer, Musk-ox, and Reindeer.

(1)(a) A person may propagate captive-bred caribou, fallow deer, musk-ox, or reindeer only after obtaining a certificate of registration from the division.

(b) Any person engaged in the propagation of caribou, fallow deer, musk-ox, or reindeer must submit an annual report identifying the disposition of each animal held in possession during the year.

(2)(a) If any live caribou, fallow deer, musk-ox, or reindeer is sold, traded, or given to another person as a gift in Utah, the purchaser must have first obtained a certificate of registration from the division and must show proof of this fact to the seller.

(b) The offense of selling or transferring a live caribou, fallow deer, musk-ox, or reindeer to a person who has not obtained a certificate of registration shall be punishable against both the transferor and the transferee.

(3) If, at any time, the division determines that the possession or propagation of caribou, fallow deer, musk-ox, or reindeer has a significantly detrimental effect to the health of any population of wildlife, the division may:

(a) terminate the authorization for propagation; and

(b) require the removal or destruction of the animals at the

owner's expense.

R657-3-33. Violations.

(1) Any violation of this rule is a class C misdemeanor, as provided in Section 23-13-11.

(2) Nothing in this rule shall be construed to supersede any provision of Title 23, Wildlife Resources Code of Utah which establishes a penalty greater than a class C misdemeanor. Any provision of this rule which overlaps a provision of that title is intended only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

R657-3-34. Certification Review Committee.

(1) The division shall establish a Certification Review Committee which shall be responsible for:

(a) reviewing:

(i) petitions to reclassify species and subspecies of zoological animals;

(ii) appeals of certificates of registration; and

(iii) requests for variances to this rule; and

(b) making recommendations to the Wildlife Board.

(2) The committee shall consist of the following individuals:

(a) the director or the director's designee who shall represent the director's office and shall act as chair of the committee;

(b) the chief of the Aquatic Section;

(c) the chief of the Wildlife Section;

(d) the chief of the Public Services Section;

(e) the state veterinarian or his designee; and

(f) a person designated by the Department of Health.

(3) The division shall require a fee for the submission of a request provided in Section R657-3-35 and R657-3-36.

R657-3-35. Request for Species Reclassification.

(1) A person may make a request to change the classification of a species or subspecies of zoological animal provided in this rule.

(2) A request for reclassification must be made to the Certification Review Committee by submitting an application for reclassification.

(3)(a) The application shall include:

(i) the petitioner's name, address, and phone number;

(ii) the species or subspecies for which the application is made;

(iii) the name of all interested parties known by the petitioner;

(iv) the current classification of the species or subspecies;

(v) a statement of the facts and reasons forming the basis for the reclassification; and

(vi) copies of scientific literature or other evidence supporting the change in classification.

(b) In addition to the information required under Subsection (a), the petitioner must provide any information requested by the committee necessary to formulate a recommendation to the Wildlife

Board.

(3)(a) The committee shall, within a reasonable time, consider the request for reclassification and shall submit its recommendation to the Wildlife Board.

(b) The committee shall send a copy of its recommendation to the petitioner and other interested parties specified on the application.

(4)(a) At the next available Wildlife Board meeting the Wildlife Board shall:

(i) consider the committee recommendation; and

(ii) any information provided by the petitioner or other interested parties.

(b) The Wildlife Board shall approve or deny the request for reclassification based on the issuance criteria provided in Section R657-3-14.

(5) A change in species classification shall be made in accordance with Title 63, Chapter 46a, Administrative Rulemaking Act.

(6) A request for species reclassification shall be considered a request for agency action as provided in Subsection 63-46b-3(3) and Rule R657-2.

R657-3-36. Request for Variance.

(1) A person may make a request for a variance to this rule for the collection, importation, propagation, or possession of a zoological animal classified as prohibited under this rule by submitting a request for variance to the Certification Review Committee.

(2)(a) A request for variance shall include the following:

(i) the name, address, and phone number of the person making the request;

(ii) the species or subspecies of zoological animal and associated activities for which the request is made; and

(iii) a statement of the facts and reasons forming the basis for the variance.

(b) In addition to the information required under Subsection (a), the person making the request must provide any information requested by the committee necessary to formulate a recommendation to the Wildlife Board.

(3) The committee shall, within a reasonable time, consider the request and shall submit its recommendation to the Wildlife Board.

(4) At the next available Wildlife Board meeting the Wildlife Board shall:

(a) consider the committee recommendation; and

(b) any information provided by the person making the request.

(5)(a) The Wildlife Board shall approve or deny the request based on the issuance criteria provided in Section R657-3-14.

(b) If the request applies to a broad class of persons and not to unique circumstances of the applicant, the Wildlife Board shall consider changing the species classification before issuing a variance to this rule.

(6)(a) If the request is approved, the Wildlife Board may

impose any restrictions on the person making the request considered necessary for that person to maintain the standards upon which the variance is made.

(b) Any restrictions imposed on the person making the request shall be included in writing on the certificate of registration which shall be signed by the person making the request before its issuance.

(7) A request for variance shall be considered a request for agency action as provided in Subsection 63-46b-3(3) and Rule R657-2.

R657-3-37. Appeal of Certificate of Registration Denial.

(1) A person may appeal the division's denial of a certificate of registration by submitting an appeal request to the Certification Review Committee.

(2) The request must be made within 30 days after the date of the denial.

(3) The request shall include:

- (a) the name, address, and phone number of the petitioner;
- (b) the date the request was mailed;
- (c) the species or subspecies of zoological animals and the activity for which the application was made; and
- (d) supporting facts and other evidence applicable to resolving the issue.

(4) The committee shall review the request within a reasonable time after it is received.

(5) Upon reviewing the application and the reasons for its denial, the committee may:

- (a) overturn the denial and approve the application; or
- (b) uphold the denial.

(6) The committee may overturn a denial if the denial was:

- (a) based on insufficient information;
- (b) inconsistent with prior action of the division or the Wildlife Board;
- (c) arbitrary or capricious; or
- (d) contrary to law.

(7)(a) Within a reasonable time after making its decision, the committee shall mail a notice to the petitioner specifying the reasons for its decision.

(b) The notice shall include information that a person may seek Wildlife Board review of that decision.

(8)(a) If the committee upholds the denial, the petitioner may seek Wildlife Board review of the decision by submitting a request for Wildlife Board review within 30 days after its issuance.

(b) The request must include the information provided in Subsection (3).

(9)(a) Upon receiving a request for Wildlife Board review, the Wildlife Board shall, within a reasonable time, hold a hearing to consider the request.

(b) The Wildlife Board may:

- (i) overturn the denial and approve the application; or
- (ii) uphold the denial.

(c) The Wildlife Board shall provide the petitioner with a

written decision within a reasonable time after making its decision.

(10) An appeal contesting initial division determination of eligibility for a certificate of registration shall be considered a request for agency action as provided in Subsection 63-46b-3(3) and Rule R657-2.

KEY: wildlife, animal protection, import restrictions, zoological animals*

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